

REMARKS

In view of the above amendments and the following remarks, further examination and reconsideration of the rejections in the Office Action of December 5, 2008 are respectfully requested.

In item 3 of the Office Action, claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,920,397 to Itoh in view of U.S. Patent 6,404,912 to Lehnen et al. and U.S. Patent No. 6,573,987 to Shires. Claim 12 has been amended to further distinguish the present invention. Thus, the rejection is inapplicable to claims 12 and 13 for the reasons below, and withdrawal of the rejection is respectfully requested.

In the Advisory Office Action dated March 23, 2009, the Examiner pointed out that Shires teaches horizontal light (from LED 70), vertical light (from LED 62), and inclined light (from LED 74) simultaneously illuminate the component imaging plane.

Claim 12 now recites *directly* illuminating the component imaging plane, the component imaging plane being a plane orthogonal to the central axis of the respective component holding member and being *a placement surface of the component*. This is not disclosed by Shires.

Figures 1 and 3 of Shires illustrate the relationship between LED 62, LED 70, LED 74, and the imaging plane (LCC device 18). As is clearly shown in the figures, LED 74 is *behind* the LCC device 18, and thus does not illuminate the imaging plane as now recited and defined in the claim. Rather, as described in the specification of Shires at column 3, lines 21-28, LED 74 is for illuminating the diffusion layer 86 so as to backlight or silhouette the LCC device (see Fig. 3 and column 3, lines 19-33). That is, light from LED 74 does not directly illuminate the component imaging plane which is a placement surface of the component.

Thus, Shires does not disclose illuminating the component imaging plane with horizontal light, vertical light, and medial light *directly*, the component imaging plane being a plane orthogonal to the central axis of the respective component holding member and being *a placement surface of the component and upon which light is incident*, as recited in claim 12.

Also, in the Advisory Office Action the Examiner indicates that Shires discloses simultaneously illuminating the imaging plane with light from the LEDs in Figures 1 and 3. This

is not the case.

Figures 1 and 3 illustrate the *paths* of the rays from the LEDs; in the absence of further description it might be assumed that the LEDs may be illuminated simultaneously. However, Shires *explicitly* states that the different frequencies of light (corresponding to different LEDs – Shires discloses different frequencies for different sets of LEDs, see column 2, lines 14-25) are illuminated *selectively* (see abstract); *not* simultaneously as recited in claim 12.

Thus, Shires does not disclose capturing an image using light inclined at a generally medial angle between horizontal light and vertical light, all of which *simultaneously* directly illuminate the component imaging plane, which is a plane orthogonal to the central axis of the respective component holding member and is a placement surface of the component and upon which light is incident. Further, Itoh and Lehnert do not disclose capturing images while light inclined at a generally medial angle between horizontal light and vertical light simultaneously illuminates the component imaging plane, nor were they relied on as disclosing such in the Action.

Accordingly, the present invention as recited in claim 12 is not suggested by the combined disclosures of Itoh, Lehnert, and Shires. It is submitted that claim 12 is allowable over the prior art of record, as is claim 13 depending therefrom.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Osamu OKUDA et al.

/Aldo A. D'Ottavio/

By: 2009.04.30 12:46:08 -04'00'

Aldo A. D'Ottavio

Registration No. 59,559

Agent for Applicants

AAD/JRF/kh

Washington, D.C. 20005-1503

Telephone (202) 721-8200

Facsimile (202) 721-8250

April 30, 2009